

2. On February 24, 2012, the defendant filed a motion to continue sentencing due to a scheduling conflict, which the Government did not oppose. Sentencing was reset to March 28, 2012.

3. As of this writing, neither the Government nor the defense has received a final PSR. The Government had planned to submit its Position on Sentencing yesterday, one week before sentencing. However, based on the objections lodged to the original PSR, the Government expects substantial revisions to the loss figures, restitution analysis, and other important sentencing factors. Thus, the Government's Position on Sentencing would be rendered outdated if a revised PSR is submitted after our filing.

4. This is a complicated white collar fraud case, with many victims, a number of whom have written letters attesting to the loss amounts that they have suffered. Given the Government's duty to ensure that the figures in the PSR are correct, the Government respectfully requests more time to review the final PSR (when it is produced) to ensure it accurately reflects the loss and restitution amounts.

5. The Government has corresponded with defense counsel Joe Turner, who indicated he has no objection to a motion for a continuance.

6. The Government has also spoken to Ms. Jones, your honor's Courtroom Deputy, who indicated that the next available sentencing date is May 3, 2012 at 10:00 a.m.

7. Accordingly, and for the foregoing reasons, the Government respectfully requests that the sentencing date in this matter be continued to May 3, 2012.

Respectfully submitted,

ROBERT PITMAN
UNITED STATES ATTORNEY
Western District of Texas

DENIS McINERNEY
Chief
Fraud Section, Criminal Division
U.S. Department of Justice

By: _____/s/_____

Paul M. Rosen
Trial Attorney
Fraud Section, Criminal Division
U.S. Department of Justice
1400 New York Avenue
Washington, D.C. 20530
Phone: (202) 353-7696
Fax: (202) 514-0152
Paul.Rosen@usdoj.gov

Date: _____
Austin, Texas

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of March, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF, which will then send a notification of such filing (NEF) to the following:

Joseph Andrew Turner
Attorney at Law
1504 West Avenue
Austin, TX 78701
(512) 474-4892
Fax: (512) 474-8252
Email: nicolejtaggart@gmail.com

By: _____s/_____
Paul M. Rosen
Trial Attorney
Fraud Section, Criminal Division
U.S. Department of Justice
1400 New York Avenue
Washington, D.C. 20530
Phone: (202) 353-7696
Fax: (202) 514-0152
Paul.Rosen@usdoj.gov